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Exempt from filing fees per Gov. Code § 6103

7 Attorneys for Defendant, SACRAMENTO CITY
8 UNIFIED SCHOOL DISTRICT

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION

12 DUSTIN WATSON,

13 Plaintiff,

14 v.

15 SACRAMENTO CITY UNIFIED
16 SCHOOL DISTRICT; and DOES 1
17 through 50, inclusive,

18 Defendants.

19 Case No. 2:22-cv-00679-KJM-AC

**NOTICE OF MOTION OF DEFENDANT
SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT [FRCP
12(b)(6)]**

Hearing Date: September 9, 2022
Time: 10:00 a.m.
Location: Courtroom 3
Judge: Hon. Kimberly J. Mueller

Complaint Filed: April 18, 2022

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 9, 2022, at 10:00 a.m., or as soon thereafter as the matter may be heard in the above-entitled Court, Defendant SACRAMENTO CITY UNIFIED SCHOOL DISTRICT will move to dismiss each and every claim against them.

Defendant's Motion to Dismiss will be based upon the authority granted in Federal Rules of Civil Procedure, Rule 12(b)(6) and based on the following grounds:

That the sole claim under 42 U.S.C. section 1983 for violation of First Amendment rights to free speech and freedom of association be dismissed on the ground of Eleventh Amendment

1 immunity. Belanger v. Madera Unified Sch. Dist., 963 F.2d 248 (9th Cir. 1992).

2 This Motion will be based on this Notice of Motion, the Memorandum of Points and
3 Authorities, the Declaration of Madison M. Simmons and its corresponding exhibits, and on the
4 papers and records on file herein, and on such oral and documentary evidence as may be presented
5 at the hearing of this motion.

6 Dated: August 2, 2022

MATHENY SEARS LINKERT & JAIME, LLP

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8 By: /s/ Madison M. Simmons

9 RICHARD S. LINKERT, ESQ.

10 MADISON M. SIMMONS, ESQ.

11 Attorneys for Defendant, SACRAMENTO
12 CITY UNIFIED SCHOOL DISTRICT

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